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7 *Attorneys for Complainant*

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2010 - 547

12 **MAXINE ANN SCHROEDER**  
9111 Durness Way  
13 **Sacramento, CA 95829**  
Registered Nurse License No. 298950  
14 Nurse Anesthetist Certificate No. 933

**ACCUSATION**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about January 31, 1979, the Board issued Registered Nurse License Number  
24 298950 to Maxine Ann Schroeder ("Respondent"). The registered nurse license was in full force  
25 and effect at all times relevant to the charges brought herein and will expire on September 30,  
26 2011, unless renewed.

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1        **Nurse Anesthetist Certificate**

2        3.     On or about December 10, 1985, the Board issued Nurse Anesthetist Certificate  
3        Number 933 to Respondent. The nurse anesthetist certificate was in full force and effect at all  
4        times relevant to the charges brought herein and expired on September 30, 1999.

5                                **STATUTORY PROVISIONS**

6        4.     Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
7        part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
8        inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
9        Nursing Practice Act.

10       5.     Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
11       deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
12       to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
13       (b), the Board may renew an expired license at any time within eight years after the expiration.

14       6.     Code section 2761 states, in pertinent part:

15                 The board may take disciplinary action against a certified or licensed  
16       nurse or deny an application for a certificate or license for any of the following:

17                 (a) Unprofessional conduct, which includes, but is not limited to, the  
18       following:

19                         (1) Incompetence, or gross negligence in carrying out usual certified or  
20       licensed nursing functions.

21       7.     California Code of Regulations, title 16, section 1442, states:

22                 As used in Section 2761 of the code, 'gross negligence' includes an  
23       extreme departure from the standard of care which, under similar circumstances,  
24       would have ordinarily been exercised by a competent registered nurse. Such an  
25       extreme departure means the repeated failure to provide nursing care as required or  
26       failure to provide care or to exercise ordinary precaution in a single situation which  
27       the nurse knew, or should have known, could have jeopardized the client's health or  
28       life.

29       8.     California Code of Regulations, title 16, section 1443, states:

30                 As used in Section 2761 of the code, 'incompetence' means the lack of  
31       possession of or the failure to exercise that degree of learning, skill, care and  
32       experience ordinarily possessed and exercised by a competent registered nurse as  
33       described in Section 1443.5.

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**COST RECOVERY**

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

**(Gross Negligence)**

10. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about February 17, 2007, while on duty as a registered nurse at Sutter Medical Center, Sacramento, California, and caring for an elderly male patient, Respondent committed acts that constitute gross negligence as defined in California Code of Regulations, title 16, section 1442. Respondent failed to call a Code Blue and initiate CPR upon finding the elderly patient unresponsive and not breathing.

**SECOND CAUSE FOR DISCIPLINE**

**(Incompetence)**

11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that while on duty as a registered nurse at Sutter Medical Center, Sacramento, California, and caring for an elderly male patient, Respondent committed the following acts that constitute incompetence as defined in California Code of Regulations, title 16, section 1443.

a. Respondent failed to call a Code Blue and initiate CPR upon finding the elderly patient unresponsive and not breathing.

b. Respondent failed to timely administer the elderly patient's antibiotic medication.

**THIRD CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct)**

12. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as more particularly set forth in paragraphs 10 and 11, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 298950, issued to Maxine Ann Schroeder;

2. Revoking or suspending Nurse Anesthetist Certificate Number 933, issued to Maxine Ann Schroeder;

3. Ordering Maxine Ann Schroeder to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

4. Taking such other and further action as deemed necessary and proper.

DATED: 4/23/10

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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1 JOHN K. VAN DE KAMP, Attorney General  
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2 JOEL S. PRIMES  
Supervising Deputy Attorney General  
3 DIANA WOODWARD HAGLE  
Deputy Attorney General  
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7 Attorneys for Complainant

8 BEFORE THE  
9 BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation ) No. 89-37  
12 Against: )  
13 MAXINE ANN SCHROEDER, R.N. ) ORDER ADOPTING STIPULATION  
255 Sonoma Way, Apt. 115 )  
14 Woodland, California 95695 )  
License No. V 298950 )  
15 Nurse Anesthetist Certificate )  
No. 0933 )  
16 Respondent. )  
17

18 The attached document designated as Stipulation,  
19 Decision and Order is hereby accepted and adopted by the Board of  
20 Registered Nursing and shall constitute the decision of the Board  
21 in this matter.

22 This order adopting the Stipulation shall become effec-  
23 tive May 26, 1989.

24 Dated: April 25, 1989.

25  
26 /s/ Patricia Hunter, R.N.  
27 President  
BOARD OF REGISTERED NURSING  
STATE OF CALIFORNIA

~~ORIGINAL~~

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 JOEL S. PRIMES  
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8 BEFORE THE  
BOARD OF REGISTERED NURSING  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

10 In the Matter of the Accusation	)	No. 89-37
11 Against:	)	
12 MAXINE ANN SCHROEDER	)	STIPULATION,
255 Sonoma Way, Apt. 115	)	<u>DECISION AND ORDER</u>
13 Woodland, CA 95695	)	
14 Registered Nurse License	)	
No. V 298950 and Nurse	)	
15 Anesthetist Certificate	)	
No. 0933	)	
16 Respondent.	)	

17  
18 RESPONDENT MAXINE ANN SCHROEDER (hereinafter  
19 "respondent"), and complainant, Catherine M. Puri, R.N., Ph.D.,  
20 Executive Officer, Board of Registered Nursing, Department of  
21 Consumer Affairs, through her counsel, Deputy Attorney General  
22 Diana Woodward Hagle, hereby stipulate that the following matters  
23 are true.

24 1. Respondent is a licensee of the Board of  
25 Registered Nursing (hereinafter "Board") and has been duly served  
26 with the Accusation on file and pending in Case No. 89-37, and  
27 accompanying documents. A copy of the Accusation is attached

1 hereto as an Exhibit and is incorporated by reference as though  
2 set forth at length herein. Respondent is subject to the  
3 jurisdiction of the Board in regard to the matters alleged in the  
4 Accusation.

5           2. Respondent has retained the firm of Barrett,  
6 Penney & Byrd, by Thomas A. Tweedy, Esq., as her attorneys of  
7 record in this matter, and she and her legal counsel have fully  
8 discussed the nature of the charges alleged in the Accusation and  
9 the content and effect of this Stipulation.

10           3. Respondent withdraws the Notice of Defense  
11 previously filed in this matter, and agrees to be bound by the  
12 terms of this Stipulation, and of the Decision and Order, and  
13 freely and voluntarily waives any rights she may have in this  
14 proceeding to a hearing on the charges and allegations contained  
15 in the Accusation, to reconsideration, to appeal, to judicial  
16 review, and to all other rights which she may have under the  
17 California Administrative Procedure Act and the laws and  
18 regulations of the State of California.

19           4. Respondent admits the truth of each and every  
20 factual allegation contained in Accusation No. 89-37 and further  
21 admits that cause exists thereby to impose discipline on her  
22 Registered Nurse License No. V 298950 and her Nurse Anesthetist  
23 Certificate No. 0933, as follows:

24           A. Prior to and on November 19 and 20, 1987, while  
25 employed as a certified registered nurse anesthetist at Woodland  
26 Memorial Hospital in Woodland, California, respondent used the  
27 analgesic gas, Nitrous Oxide, a dangerous drug within the meaning

1 of Business and Professions Code section 4211, to such an extent  
2 and in a manner dangerous or injurious to herself, other persons,  
3 and to the public, which use constitutes unprofessional conduct  
4 within the meaning of Business and Professions Code sections  
5 2761(a) and 2762(b); and

6           B. On November 20, 1987, while employed as a  
7 certified registered nurse anesthetist at Woodland Memorial  
8 Hospital in Woodland, California, and after sleeping in Operating  
9 Room 1 on the second floor, respondent (a) placed green paper in  
10 an anesthesia mask indicating the anesthesia machine was clean  
11 and ready for use whereas, in truth and in fact, there was  
12 vomitus on circuit and in the breathing tube, and (b) failed to  
13 clean up fecal matter from the chair and fecal matter and vomitus  
14 on the floor of the operating room. The commission of the  
15 foregoing acts demonstrates a conscious disregard or indifference  
16 for the health, safety, or welfare of others and constitutes  
17 unprofessional conduct under Business and Professions Code  
18 section 2761(a)(1) in that she was guilty of gross negligence  
19 within the meaning of Title 16, California Code of Regulations,  
20 section 1442.

21           The foregoing admissions are made only for the purpose  
22 of this proceeding and any subsequent proceedings between  
23 respondent and the State of California and any of its agencies,  
24 and may not be used for any other purpose. In the event this  
25 Stipulation is not adopted by the Board, the admissions made  
26 herein shall be null and void, and may not be used by the parties  
27 or by any other person for any purpose.



1           WHEREFORE, it is stipulated that the Board of  
2 Registered Nursing may issue the following Decision and Order:

3                           DECISION AND ORDER

4           1.   Registered Nurse License No. V 298950 and Nurse  
5 Anesthetist Certificate No. 0933, issued to Maxine Ann Schroeder,  
6 are hereby revoked. However, revocation is stayed and respondent  
7 is placed on probation for three (3) years from the effective  
8 date of this Decision and Order, on the following terms and  
9 conditions:

10           A.   OBEY ALL LAWS - Respondent shall obey all the laws  
11 of the United States, State of California, and all rules and  
12 regulations and laws pertaining to the practice of nursing in  
13 this state.

14           B.   COMPLY WITH PROBATION PROGRAM - Respondent shall  
15 fully and completely comply with the probation program  
16 established by the Board and cooperate with representatives of  
17 the Board.

18           C.   REPORT IN PERSON - Respondent during the period of  
19 probation shall report in person to such meetings of the Board of  
20 Registered Nursing or its designated representatives, as  
21 directed.

22           D.   ABSENCE FROM STATE - In the event respondent  
23 should leave California to reside or practice outside of the  
24 State, respondent shall comply with conditions of the probation  
25 program as directed by the Board. Periods of residency outside  
26 of the State of California will not apply to the reduction of the  
27 probationary term.

1           E.   SUBMIT WRITTEN REPORTS - Respondent, during the  
2 period of probation, shall submit such written reports and  
3 verification of actions as are required by the Board.

4           F.   FUNCTION AS A REGISTERED NURSE - Respondent,  
5 during the period of probation, shall engage in the practice of  
6 nursing in the State of California for a minimum of six months,  
7 subject to the limitations stated in Paragraph I.

8           G.   NURSING PRACTICE - The Board shall be informed of  
9 and approve of any agency for which respondent provides nursing  
10 services. The agency shall be informed of the reason for and  
11 terms of probation and shall submit performance evaluations and  
12 other reports as requested by the Board.

13           H.   SUPERVISION - The Board shall be informed of and  
14 approve of the type of supervision provided while respondent is  
15 functioning as a registered nurse. Respondent may not function  
16 as a supervisor.

17           I.   EMPLOYMENT LIMITATIONS - Respondent may not work  
18 for a nurses' registry, as a faculty member in an approved school  
19 of nursing, or as an instructor in a Board-approved continuing  
20 education course., Respondent shall not work as a nurse  
21 anesthetist except with the prior written approval of the Board.

22           J.   COMPLETE A NURSING COURSE(S) - Respondent shall  
23 begin and successfully complete a course(s) in nursing prior to  
24 providing direct patient care and prior to the end of the  
25 probationary term. The content of such course(s) and the place  
26 and conditions of instruction shall be approved by the Board  
27 prior to enrollment. Written proof of enrollment in such

1 course(s) and proof of successful completion shall be given to  
2 the Board by the agency or entity instructing the respondent.

3 K. PHYSICAL EXAMINATION - Respondent, within 45 days  
4 of the effective date of this Decision and Order, shall have a  
5 physician submit, in a format acceptable to the Board, an  
6 assessment of the respondent's physical condition and capability  
7 to perform the duties of a professional registered nurse. If  
8 medically determined, a recommended treatment program will be  
9 instituted and followed by respondent with the physician  
10 providing written reports to the Board.

11 L. PARTICIPATE IN REHABILITATION PROGRAM FOR CHEMICAL  
12 DEPENDENCE - Respondent shall successfully complete or shall have  
13 successfully completed a rehabilitation program which the Board  
14 approves and shall have reports submitted by the program. If a  
15 program was not successfully completed prior to the period of  
16 probation, respondent, within a reasonable period of time as  
17 determined by the Board, but not exceeding 90 days of the  
18 effective date of the Decision and Order, shall be enrolled in a  
19 program.

20 In addition, respondent must attend support groups  
21 (e.g., Narcotics Anonymous, Alcoholics Anonymous, nurse support  
22 groups), if directed by the Board.

23 M. ABSTAIN FROM USE OF PSYCHOTROPIC DRUGS -  
24 Respondent shall completely abstain from personal use of all  
25 psychotropic drugs, including alcohol, in any form except when  
26 the same are lawfully prescribed.

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1           N.    SUBMIT TO TESTS AND SAMPLES - Respondent shall  
2 participate or shall have participated in a drug screening  
3 program which the Board approves and shall have reports submitted  
4 by the program.

5           Respondent, at any time during the period of probation  
6 shall fully cooperate with the Board or any of its  
7 representatives, in their supervision and investigation of  
8 compliance with the terms and conditions of probation; and shall,  
9 when requested, submit to such tests and samples as the Board or  
10 its representatives may require for the detection of alcohol,  
11 narcotics, hypnotics, dangerous drugs, or controlled substances.

12           2.   VIOLATION OF PROBATION - If respondent violates  
13 probation in any respect, the Board, after giving respondent  
14 notice and the opportunity to be heard, may revoke probation and  
15 carry out the disciplinary order that was stayed. If an  
16 Accusation or petition to vacate stay is filed against respondent  
17 during probation, the Board shall have continuing jurisdiction  
18 until the matter is final.

19           3.   SUPPLEMENTAL ACCUSATION - If during the period of  
20 probation, an Accusation has been filed against respondent's  
21 license or the Attorney General's Office has been requested to  
22 prepare an Accusation against respondent's license, such period  
23 shall automatically be extended and shall not expire until the  
24 Accusation has been acted upon by the Board.

25           4.   Upon successful completion of probation,  
26 respondent's Registered Nurse License No. V 298950 and Nurse  
27 Anesthetist Certificate No. 0933 will be fully restored.

1 This Stipulation shall be subject to the acceptance of  
2 the Board of Registered Nursing. If the Board fails to accept  
3 this Stipulation, it shall be of no force or effect for either  
4 party, and the matter will be regularly set for hearing.

5 DATED: *March 6, 1989* JOHN K. VAN DE KAMP, Attorney General  
6 of the State of California  
7 JOEL S. PRIMES, Supervising  
8 Deputy Attorney General  
9 DIANA WOODWARD HAGLE  
10 Deputy Attorney General

11 By *Diana Woodward Hagle*  
12 DIANA WOODWARD HAGLE  
13 Deputy Attorney General

14 Attorneys for Complainant

15 I hereby state that I have read this Stipulation and  
16 Decision and Order in its entirety, that my attorney of record  
17 has fully explained the legal significance and consequences  
18 thereof, that I fully understand all of, and agree to, said  
19 Stipulation, Decision and Order, and in witness thereof I affix  
20 my signature.

21 DATED: *March 2, 1989* *Maxine Ann Schroeder*  
22 MAXINE/ANN SCHROEDER  
23 Respondent

24 DATED: BARRETT, PENNEY & BYRD

25 By *Thomas A. Tweedy*  
26 THOMAS A. TWEEDY, ESQ.  
27 Attorneys for Respondent  
Maxine Ann Schroeder

03579110  
SA88AD0977  
March 1, 1989

**EXHIBIT A**

1 JOHN K. VAN DE KAMP, Attorney General  
2 of the State of California  
3 DIANA WOODWARD HAGLE  
4 Deputy Attorney General  
5 1515 K Street, Suite 511  
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10 Attorneys for Complainant  
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12 BEFORE THE  
13 BOARD OF REGISTERED NURSING  
14 DEPARTMENT OF CONSUMER AFFAIRS  
15 STATE OF CALIFORNIA

12 In the Matter of the Accusation	)	NO. 89-37
13 Against:	)	
14 MAXINE ANN SCHROEDER	)	<u>ACCUSATION</u>
15 Rural Route 1, Box 19	)	
16 Fargo, North Dakota 58103	)	
17 Registered Nurse License	)	
18 No. V 298950	)	
19 Nurse Anesthetist Certificate	)	
20 No. 0933.	)	
21 Respondent.	)	

22 Catherine M. Puri, R.N., Ph.D., for causes for  
23 discipline, alleges:

24 1. Complainant Catherine M. Puri, R.N., Ph.D., makes  
25 and files this accusation in her official capacity as Executive  
26 Officer, Board of Registered Nursing, Department of Consumer  
27 Affairs.  
///

1           2. On January 31, 1979, the Board of Registered  
2 Nursing issued registered nurse license number V 298950 to Maxine  
3 Ann Schroeder. On December 10, 1985, the Board of Registered  
4 Nursing issued Nurse Anesthetist Certificate No. 0933 to Maxine  
5 Ann Schroeder. The nurse anesthetist certificate will expire on  
6 September 30, 1988. The license was in full force and effect at  
7 all times pertinent herein and has been renewed through  
8 September 30, 1988.  
9

10           3. Under Business and Professions Code section 2750,  
11 the Board of Registered Nursing may discipline any licensee,  
12 including a licensee holding a temporary or an inactive license,  
13 for any reason provided in Article 3 of the Nursing Practice Act.  
14

15           4. DRUGS

16           "Nitrous Oxide" is a dangerous drug within the meaning  
17 of Business and Professions Code section 4211 in that it bears  
18 the legend restricting its use and sale under federal law.  
19

20           5. Respondent has subjected her license to discipline  
21 under Business and Professions Code section 2761(a) on the  
22 grounds of unprofessional conduct, as defined in section 2762(b)  
23 of that code, in that prior to and on November 19 and 20, 1987,  
24 while employed as a certified registered nurse anesthetist at  
25 Woodland Memorial Hospital in Woodland, California, she used the  
26 analgesic gas, Nitrous Oxide, a dangerous drug, to such an extent  
27

///



1 and in a manner dangerous or injurious to herself, other  
2 persons, and to the public.

3  
4 Respondent has subjected her license to discipline  
5 under Business and Professions Code section 2761(a)(1) on the  
6 grounds of unprofessional conduct in that she was guilty of gross  
7 negligence within the meaning of Title 16, California Code of  
8 Regulations, section 1442, in that on November 20, 1987, while  
9 employed as a registered nurse anesthetist at Woodland Memorial  
10 Hospital in Woodland, California, and after sleeping in Operating  
11 Room 1 on the second floor, she committed the following acts:

12 a. She placed green paper in anesthesia mask  
13 indicating the anesthesia machine was clean and ready for use,  
14 whereas in truth and fact, there was vomitus on circuit and in  
15 breathing tube.

16 b. She failed to clean up fecal matter from the chair  
17 and fecal matter and vomitus on the floor of the operating room.  
18 The conduct described in a. and b. above demonstrates a  
19 conscious disregard or indifference for the health, safety, or  
20 welfare of others.

21  
22 WHEREFORE, complainant prays that a hearing be held and  
23 that the Board of Registered Nursing make its order:

24 1. Revoking or suspending registered nurse license  
25 number V 298950 and registered nurse anesthetist certificate  
26 number 0933, issued to Maxine Ann Schroeder.

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2. Taking such other and further action as may be deemed proper and appropriate.

DATED: 9/15/88

Catherine M. Puri  
CATHERINE M. PURI, R.N., Ph.D.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Complainant

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